REMARKS/ARGUMENTS

Claims 1-27 are pending in the present application. Claim 28 is added. Claims 9, 10, 18, 19, and 27 are amended. Claim 23 is cancelled. Support for the claim amendments can be found in the claims as originally filed and in the Applicants' patent application on page 22, lines 6-24. Reconsideration of the claims is respectfully requested.

I. 35 U.S.C. § 101; Claims 1-27

The Examiner rejected claims 1-27 under 35 U.S.C. § 101 as directed towards non-statutory subject matter. Claim 23 is cancelled, rendering this rejection moot for claim 23. Regarding the remaining claims, Applicants' specification has been amended to overcome the rejection. Thus, claims 1-22 and 24-27 recite tangible subject matter.

II. 35 U.S.C. § 103, Obviousness; Claim 1-27

The Examiner rejected claims 1-27 under 35 U.S.C. § 103 as obvious over *Hu*, Method and Apparatus for Authenticating a Client to a Server in Computer Systems which Support Different Security Mechanisms, U.S. Patent No. 5,586,260, December 17, 1996 (hereinafter "*Hu*") in view of *Waite et al.*, Secure System for Activating Personal Computer Software at Remote Locations, U.S. Patent No. 5,103,476, April 7, 1992 (hereinafter "*Waite*"). Claim 23 is cancelled, rendering this rejection moot for claim 23. This rejection is respectfully traversed with respect to the remaining claims. With regard to claim 1, the Examiner states that:

> i. *Hu* teaches a method in a multi-partitioned data processing system for managing operating systems (as shown in Figure 1 and column 1, lines 9-1 9 of *Hu*), the method comprising:
>
> (1) receiving a request from an operating system in the multi-partitioned data processing system to register for access to hardware in the multi-partitioned data processing system, wherein the request includes a key code for the operating system **(column 1, lines 17-26; lines 57-67 of *Hu*);**
>
> (2) responsive to receiving the request, determining whether the operating system is an authorized operating system using the key code; and registering the operating system if the operating system is the authorized operating system **(column 1, lines 17-26; column 2, lines 30-41; and column 4, lines 17-43 of *Hu*).**
>
> ii. Although *Hu* teaches a method in a multi-partitioned data processing system for managing operating systems (as shown in Figure 1 and column 1, lines 9-19 of *Hu*), *Hu* is silent on the capability of registering the operating system and/or computer. On the other hand, *Waite* teaches this limitation in **Figures 1 and 3 and column 2, line 66 through column 3, line 42 of *Waite*.**

iii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) have modified the invention of *Hu* with the teaching of *Waite* for monitoring the licensees is warranted **(column 1, lines 30-31 of *Waite*).**

iv. The ordinary skilled person would have been motivated to:

(1) have modified the invention of *Hu* with the teaching of *Waite* to ensure that all copies of the activated program will include unique licensee identification data, thereby allowing unauthorized copies to be traced to the original licensee **(column 2, lines 10-13 of *Waite*).**

Office Action dated July 13, 2007, pp. 3-4 (emphasis in original).

Claim 1, which is representative of claims 10 and 19, is as follows:

1. A method in a multi-partitioned data processing system for managing operating systems, the method comprising:

receiving a request from an operating system in the multi-partitioned data processing system to register for access to hardware in the multi-partitioned data processing system, wherein the request includes a key code for the operating system;

responsive to receiving the request, determining whether the operating system is an authorized operating system using the key code; and

registering the operating system if the operating system is the authorized operating system.

No *prima facie* obviousness rejection can be made against claim 1 because neither *Hu* nor *Waite* discloses all of the claimed features of claim 1.

II.A. Neither *Hu* nor *Waite* Teach or Suggest All of the Features of Claim 1

The Examiner bears the burden of establishing a *prima facie* case of obviousness based on prior art when rejecting claims under 35 U.S.C. § 103. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *KSR Int'l. Co. v. Teleflex, Inc.*, No. 04-1350 (U.S. Apr. 30, 2007) (citing *In re Kahn*, 441 F.3d 977, 988 (CA Fed. 2006)). Additionally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

A *prima facie* obviousness rejection cannot be stated because the proposed combination of the references does not teach or suggest all of the features of claim 1. Specifically, neither *Hu* nor *Waite* teaches or suggests the feature of receiving a request from an operating system in the multi-partitioned data processing system to register for access to hardware in the multi-partitioned data processing system, wherein the request includes a key code for the operating system. Nonetheless, the Examiner cites

various portions of *Hu* with respect to the claimed feature. Each of these portions will be addressed in turn to show *Hu* does not teach or suggest this claimed feature. The Examiner first cites the following portion of *Hu*:

> A server provides some type of service to client systems. The service may involve access to a database or other file system, access to printers, or access to more powerful computing resources. A client system makes requests for service from a server system and, in many instances, the server requires "authentication" of the user before the service will be provided and, in some cases, the client will require that the server be authenticated, to make sure that someone is not posing as the server. Client authentication implies the presence of a security mechanism whereby the server can verify that the client is authorized to receive the requested service.

Hu, column 1, lines 17-26.

Hu discloses a system for authenticating a client and server when the client and server have different security mechanisms. The cited portion describes a security mechanism whereby a client is authenticated before gaining access to services from a server, including access to a database or other file system, access to printers, or access to other computing resources. However, the cited portion nowhere teaches or suggests an operating system or a partitioned data processing system.

On the other hand, claim 1 recites the feature of receiving a request from an operating system in the multi-partitioned data processing system to register for access to hardware in the multi-partitioned data processing system, wherein the request includes a key code for the operating system. As a first matter, the cited portion differs from the claimed feature because the cited portion nowhere mentions an operating system, let alone a request from an operating system for access to hardware. In fact, the term "operating system" is not contained in *Hu* at all, and *Hu* teaches or suggests no equivalent word.

By way of example, the cited portion states, "[a] client system makes requests for service from a server system." However, the cited statement discloses a request from a "client system," but does not disclose anything related to operating systems. For example, the cited statement does not teach or suggest any processes or programs executing on the client system, such as an operating system, and therefore does not disclose that any of those processes or programs send requests for service. Hence, the cited portion nowhere teaches or suggests a request from an operating system for access to hardware.

As a second matter, because the cited portion nowhere teaches or suggests an operating system, the cited portion also does not teach or suggest a "key code for the operating system," as claimed. For example, the cited portion states, "[c]lient authentication implies the presence of a security mechanism whereby the server can verify that the client is authorized to receive the requested service." However, the cited statement discloses only a "security mechanism," but nowhere mentions an operating system. Therefore, even assuming, *arguendo*, that the security mechanism is a key code, the cited statement does

not teach or suggest that this security mechanism relates to an operating system in any way. Accordingly, neither the cited statement nor any other portion of *Hu* teaches or suggests a "key code for the operating system," as claimed.

As a third matter, the cited portion fails to teach or suggest the feature of receiving a request from an operating system in the multi-partitioned data processing system to register for access to hardware in the multi-partitioned data processing system. An example of a partitioned data processing system is given in the Applicants' specification in Figure 2, as follows:

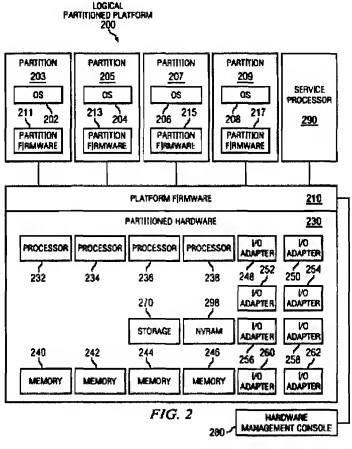

FIG. 2

However, neither the cited portion nor any other portion of *Hu* teaches or suggests the feature of a multi-partitioned data processing system, as claimed. The cited portion differs from the claimed feature because the cited portion of *Hu* fails to relate to a partitioned data processing system at all. For example, the cited portion states, "[a] server provides some type of service to client systems." However, the cited statement discloses only a "server" and a "client," but nowhere teaches or suggests a partitioned data processing system. For example, the cited statement nowhere teaches or suggests that either the server or the client is a partitioned data processing system. Furthermore, *Hu* nowhere teaches or suggests any

reference to partitioning technology at all. Therefore, *Hu* fails to teach or suggest the feature of receiving a request from an operating system in the multi-partitioned data processing system to register for access to hardware in the multi-partitioned data processing system.

Hu's failure to teach or suggest the feature of receiving a request from an operating system in the multi-partitioned data processing system to register for access to hardware in the multi-partitioned data processing system, wherein the request includes a key code for the operating system, is expected because *Hu's* authentication system is concerned with authenticating servers and clients across computer networks.

Next, the Examiner cites the following portion of *Hu*:

> More specifically, the step of mutually authenticating includes generating a set of security credentials that would enable the client to call the server; saving the security credentials for later use and generating an access key for their retrieval; and passing the access key to the client. Further, the step of calling the proxy server includes passing the access key to the proxy server; and the step of impersonating the client includes using the access key to retrieve the client security credentials needed to call the server.

Hu, column 1, lines 57-67.

The cited portion describes the process of generating a set of security credentials and an access key, and using the set of security credentials and an access key to allow a client to call a server via a proxy server. However, the cited portion nowhere teaches or suggests an operating system or a partitioned data processing system.

For example, the cited portion states, "the step of mutually authenticating includes generating a set of security credentials that would enable the client to call the server." The cited portion discloses only enabling a client to call a server. However, the cited statement nowhere mentions an operating system, let alone a request from an operating system for access to hardware, as claimed. Hence, the cited portion fails to teach or suggest the feature of receiving a request from an operating system in the multi-partitioned data processing system to register for access to hardware in the multi-partitioned data processing system.

Because the cited portion nowhere teaches or suggests an operating system, the cited portion also does not teach or suggest a "key code for the operating system," as claimed. For example, the cited portion states, "the step of calling the proxy server includes passing the access key to the proxy server." The cited portion discloses passing an access key to a proxy server. Elsewhere, the cited portion discloses that the access key is used to retrieve a set of security credentials. However, even assuming, *arguendo*, that the access key is a key code, as claimed, the cited statement nowhere teaches or suggests that the key

code is for an operating system because the cited statement nowhere mentions an operating system. Accordingly, neither the cited statement nor any other portion of *Hu* teaches or suggests a "key code for the operating system," as claimed.

Also, the cited portion fails to teach or suggest the feature of receiving a request from an operating system in the multi-partitioned data processing system to register for access to hardware in the multi-partitioned data processing system. The cited portion differs from the claimed feature because the cited portion of *Hu* fails to relate to a partitioned data processing system at all.

Waite does not cure *Hu's* lack of disclosure. *Waite* discloses a system for activating programs in a personal computer by inserting missing critical portions of the program. However, *Waite* does not relate to multi-partitioned data processing systems or the authentication of operating systems in a multi-partitioned data processing system. In fact, *Waite* teaches or suggests none of the features of claim 1. Therefore, the proposed combination of *Hu* and *Waite*, when considered as a whole, does not teach or suggest all of the features of claim 1.

II.B. Neither *Hu* nor *Waite* Teaches All of the Features of Claims 2, 11, and 20

The Examiner rejected claims 2, 11, and 20 under 35 U.S.C. § 103 as obvious over *Hu* in view of *Waite*. This rejection is respectfully traversed. With regard to claim 2, the Examiner states that:

> *b. Referring to claim 2:*
> i. *Hu* further teaches:
> (1) terminating the operating system if the operating system is an-unauthorized [sic] operating system **(column 1, lines 39-40 of *Hu*).**

Office Action dated July 13, 2007, p. 4.

Claim 2, which is representative of claims 11 and 20, is as follows:

> 2. The method of claim 1 further comprising:
> terminating the operating system if the operating system is an unauthorized operating system.

No *prima facie* obviousness rejection can be made against claim 2 because neither *Hu* nor *Waite* teaches or suggests all of the claimed features of claim 2. Specifically, neither *Hu* nor *Waite* teaches or suggests the feature of terminating the operating system if the operating system is an unauthorized operating system. The Examiner asserts otherwise, citing the following portion of *Hu*:

> Consequently, PCs do not provide DCE security and a PC client cannot directly access DCE servers.

Hu, column 1, lines 39-40.

Neither the cited portion nor any other portion of *Hu* teaches or suggests the feature of terminating the operating system if the operating system is an unauthorized operating system. The cited portion discloses that personal computers do not provide distributed computing environment security,

precluding them from accessing distributed computing environment servers. However, no operating system, such as an operating system of a personal computer, is mentioned in the cited portion.

On the other hand, claim 2 recites the feature of terminating the operating system if the operating system is an unauthorized operating system. The cited portion differs from the claimed feature because the cited portion does not teach or suggest performing any operation on an operating system, let alone terminating an operating system.

Furthermore, even assuming, *arguendo*, that the cited portion teaches or suggests an operating system, the cited portion does not teach or suggest terminating anything, but instead discloses an inability of a personal computer to access a server due to missing DCE security protocols. Nothing in the cited portion, such as the personal computer, DCE security protocols, PC client, or server, are terminated in the cited portion.

Waite does not cure *Hu's* lack of disclosure. *Waite* discloses a system for activating programs in a personal computer by inserting missing critical portions of the program. However, *Waite* teaches or suggests nothing related to the termination of operating systems, and the Examiner does not assert otherwise. Therefore, the proposed combination of *Hu* and *Waite*, when considered as a whole, does not teach or suggest all of the features of claim 2.

II.C. Conclusion as to Obviousness.

Because claim 1 is representative of claims 10 and 19, the same distinctions between claim 1 and the references apply to claims 11 and 19. Accordingly, no *prima facie* obviousness rejection can be made against claims 1, 10, and 19. Therefore, the Examiner cannot state a *prima facie* obviousness rejection against claims 2-9, 11-18, and 20-28 at least by virtue of their dependency on claims 1, 10, and 19. Additionally, claims 2-9, 11-18, and 20-28 claim additional combinations of features not taught or suggested by the references. For example, as shown above, the cited references, when considered as a whole, do not teach or suggest all of the features of claims 2, 6, 11, 15, 20, and 24. Consequently, Applicants have overcome the obviousness rejection of claims 1-27 under 35 U.S.C. § 103.

III. Conclusion

The subject application is patentable over the cited references and should now be in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

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